

Hobart, Jamie

From: James Ritchie <james_ritchie@sbcglobal.net>
Sent: Tuesday, March 01, 2016 8:15 PM
To: pstestimony
Subject: Oppose: Raised Bill No. 5408, AN ACT CONCERNING THE PRESENTATION OF A CARRY PERMIT

Please forgive my rush, I forgot to include : James Ritchie, Bristol Ct

I oppose the wording of this raised bill for a number of reasons. Before WWII Germans "Show me your papers" and even further back in history, the "Writs of Assistance" was a tool that King George used to keep the Colonies under control by self-written Writs to carry out wide-ranging searches of anyone, anywhere, and anytime regardless of whether they were suspected of a crime. These "hated writs" spurred colonists toward revolution and directly motivated James Madison's crafting of the Fourth Amendment.

The U.S. Supreme Court noted in *Stanford v. Texas*: "Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists." And the Supreme Court said in *Marcus v. Search Warrant of Property*: "The Bill of Rights was fashioned against the background of knowledge that unrestricted power of search and seizure could also be an instrument for stifling liberty of expression."

As of Jan 1, 2016 45 states allow open carry, many are Constitutional Carry: No permit required. The Connecticut Police Chiefs Association is pushing this as a way to intimidate lawful permit holders from carrying a weapon, open or concealed. These changes are directly aimed at the lawful permitted gun owners. We all know that criminals and gang members do not carry in a holster, especially in the open. Criminals and gang members are known to the police. The reason they do not use a holster is that if they run from the police, they can ditch the gun on the run, but harder to remove a holster from the belt to hide the fact that these felons have lost the right to own or possess a firearm.

The State Police just issued a new training memo informing their officers that it is legal to open carry and that unless there is Reasonable Articulate Suspicion (RAS) they are not to ask for the permit. The text of the bill removes two important safeguard for persons who are obeying the law: "who has reasonable suspicion of a crime" and "that is observed by such law enforcement officer" creates a scenario of arbitrary, capricious and PROFILED stops at the random whim of an officer under color of law. The Supreme Court also ruled on the "Stop and Frisk" New York law as unconstitutional (akin to these changes).

These changes to the wording of the Statute now borders on infringement of the 4th Amendment. As I have stated here, very much resembles the "Writs of Assistance" which our founding fathers wrote the 4th Amendment to avoid this very issue. Over the past few years our government has argued that the modern exigencies of public safety have changed the rules of the game and that the niceties of judicial process simply no longer apply. Madison likely would have rejected this argument, but he wouldn't have been surprised by it. "Perhaps it is a universal truth," Madison wrote in a 1798 letter to Thomas Jefferson, "that loss of liberty at home is to be charged against provisions against danger, real or pretended, from abroad."

For these reasons, I oppose this raised bill.